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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,373	03/26/2004	Larkin Hill Lowrey	0307091.0177	8632
35602	7590	12/13/2005	EXAMINER	
STEPHEN C. GLAZIER KIRKPATRICK & LOCKHART LLP 1800 MASSACHUSETTS AVENUE, NW WASHINGTON, DC 20036			BEAULIEU, YONEL	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/810,373

Applicant(s)

LOWREY ET AL.

Examiner

Yonel Beaulieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/24/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

11/4/05
8/15/05
5/23/05
1/31/05

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1 – 9, 12, 14 – 17, 19 – 29, 32, 34 – 37, 39 – 42, and 44 – 48 are rejected under 35 U.S.C. 102(e) as being anticipated by Lawrence et al. (US 6,505,106 B1).

Regarding claims 1 - 4, 9, 12, 19, 20, 22 - 24, 29, 32, 40, 42, 44 - 46, Lawrence et al. teaches an in-vehicle (on-board) telematics system (figs. 1-2 at least) comprising a controller (28; controller 28 is inherently covered by a housing); a diagnostics system (22), communicating with the controller (28; fig. 2), configured to receive diagnostic information from a host vehicle (15; fig. 1; col. 3, lines 16 – 19 at least); a position-locating system (GPS receiver 24), communicating with the controller (see fig. 2), configured to determine the host vehicle's location information (col. 3, lines 52 – 65 at

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least); a communication interface (item 36) configured to send additional information to a peripheral system/serial interface (server 18) other than the diagnostic and position-locating systems; a short-range transmitter (14) configured to send information to the external peripheral device (18); a long-range wireless transmitter (26), communicating with the controller, configured to transmit information through a wireless network to an Internet-accessible website (fig. 1; col. 3, lines 32 – 47 at least); an LCD display (col. 5, lines 5 – 10 at least provides for conventional displays); and a voice interface (not explicitly shown) configured to send voice information (the system is configured to send voice data using telephone network 16; col. 3, lines 20 – 31).

Regarding claims 5, 6, 25, and 26, Lawrence et al. further teaches displaying a text message on the display and receiving such from the Internet-accessible website (see fig. 3; col. 4, lines 37 – 50 at least).

Regarding claims 7 and 27, Lawrence et al. further teaches capability of receiving messages from a cellular telephone or a personal digital assistant (col. 4, lines 6 – 19 at least).

Regarding claims 8 and 28, Lawrence's display is configured to mount inside the vehicle (data are displayed to the vehicle operator; thus, the display being mounted inside the vehicle; note col. 5, lines 5 – 8 at least).

Regarding claims 21 and 39, Lawrence's controller (22) is a microprocessor or a microcontroller (col. 5, lines 58 – 64 at least).

Regarding claims 47 and 48, Lawrence et al. further teaches a speech-recognition module configured to analyze a user's speech (item 146 in fig. 7 provides for such an analysis).

Regarding claims 14 – 17 and 34 – 37, Lawrence et al. further teaches a button (user serial interface 142) that sends a signal (via connectivity 162; col. 8, lines 3 – 8 at least); a secondary wireless modem being a satellite modem (Lawrence teaches telephone network 16 in connection with GPS and the Internet; col. 3, lines 29 – 33 and 52 – 58 at least).

Regarding claim 41, Lawrence's system further includes a cable (landline) that sends information to and receives information from the external peripheral system (a transceiver sends and receives data; note col. 3, lines 19 – 21 at least).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 11, 13, 18, 30, 31, 38, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence '106 B1, as applied to claims 1, 22, and 42 and further in view of Baratono et al. (US 6,889,064 B2).

As discussed above, Lawrence teaches all of the limitations except for the hands-free, BluetoothTM, and infrared features and the serial interface being RS232 interface.

However, Baratono et al. teaches, in the same field of endeavor of in-vehicle telematics system (col. 5, line 63 – col. 6, line 9 and col. 6, lines 22 – 34), hands-free, BluetoothTM, and infrared features (col. 1, lines 20 – 27 and 46 – 54; col. 6, lines 35 – 43; and col. 7, lines 29 – 51).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Lawrence's teachings by including hands-free, BluetoothTM, and infrared features as evidenced by Baratono in order to enhance versatility of the system.

As to the RS232 interface, such is old and well-known (see for example US 2005/0144318).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (571) 272-6955. The examiner can normally be reached on M-W 9-3; F 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10/810,373
YONEL BEAULIEU
Primary Examiner
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